

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

OP.No. 31960 of 1999(D)

PETITIONER:-

**P.UNNIKRISHNAN NAIR,
STAFF NURSE, GOVERNMENT
HOSPITAL, CHENGANNUR.**

BY ADV. SRI.VIJU ABRAHAM

RESPONDENTS:-

- 1. STATE OF KERALA, REP: BY THE
SECRETARY O GOVT. OF KERALA,
DEPARTMENT OF HEALTH,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.**
- 3. SUPERINTENDENT,
GOVERNMENT HOSPITAL,
CHENGANNUR.**

BY GOVT. PLEADER SRI.P.N.SANTHOTH.

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

ORDER ON CMP.NO.54360 OF 1999 IN OP.NO.31960 OF 1999-D.

DISMISSED.

28.9.2007.

Sd/- T.R.Ramachandran Nair, Judge.

PETITIONER'S EXHIBITS:-

- Ext.P1:** Copy of the judgment dated 23.8.1994 in OP.No.6842/90.
- Ext.P2:** Copy of the order No.GO(Ms) 422/94 H&FWD dtd.6.12.94.
- Ext.P3:** Copy of the order No.GO(Ms)No.508/95/H&FWD dtd.9.11.1995.
- Ext.P4:** Copy of the order no.GO(Ms)No.68/96/H&FWD dtd.16.2.96.
- Ext.P5:** Copy of the judgment dtd.7.7.99 in OP.No.9584/99.
- Ext.P6:** Copy of the CMP.No.36506/99 with affidavit in OP.No. 9584/99.
- Ext.P7:** Copy of the letter No.20876/C3/99/H&FWD dtd.21.10.99.
- Ext.P8:** Copy of the order No.GO(Rt.).No.2824/99/H&FWD dated 15.10.1999.

RESPONDENTS' EXHIBITS:- Nil.

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 31960 of 1999-D.

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Dated this the 28th day of September, 2007.

J U D G M E N T

The petitioner is a Staff Nurse working in the Government Hospital, Chengannur. The Staff Nurses who were working in Government Hospitals had to attend duties continuously for long hours. This problem was raised before this Court in OP.No.6842/1990 which was disposed of by Ext.P1 judgment. In Ext.P1 judgment it was recorded that the three shift system will be introduced in the hospital concerned therein. The petitioner along with some other similarly placed employees working in Government Hospital, Chengannur had approached this Court by filing OP.No.9584/1999 which was disposed of by Ext.P5 judgment. This Court after referring Ext.P1 judgment directed the first and second respondents therein to dispose of Ext.P4 representation in the light of Ext.P2 judgment (Ext.P1 herein) and pass orders introducing the shift system in the Government Hospital, Chengannur also. Ext.P6 is an affidavit filed on behalf of the Government seeking further time to implement the directions in the above judgment. In Ext.P6 affidavit it was pointed out that for implementing the three shift system, new recruitments are required and that will take some more time as posts have to be created newly. Ext.P8 is the order by which the Government introduced

the three shift system in the Government Hospital, Chengannur and Aluva with existing staff.

2. The petitioner is aggrieved by the stipulation that the shift system has to be manned with the existing staff as according to the petitioner, the existing staff are not sufficient to satisfy the three shift system introduced as per Ext.P8 in the hospital.

3. The respondents have filed a counter-affidavit explaining the various circumstances. It is averred in the counter-affidavit that additional posts can be created only by taking into consideration the bed strength and data relating to inpatients and outpatients of each and every hospital and for introducing three shift system there is no necessity to create additional posts in all hospitals. It is also stated that the decision is one concerning policy, financial constraints and other relevant aspects.

4. The learned counsel for the petitioner submits that in the light of the averments contained in Ext.P6 affidavit it is necessary to create additional posts as the existing staff are not sufficient to man the situation in the hospital.

5. Whether by introducing three shift system additional posts are required or not is a matter for the Government to decide. This writ petition has been pending for the last eight years. Due to efflux of time there will be change of circumstances including the number of patients as well as other

relevant aspects. Therefore, it is only in the fitness of things that the Government assess the present position available in the said hospital and take appropriate action to redress the grievance highlighted by the petitioners in this case. The competent authority will look into the same and take appropriate action as expeditiously as possible since the proper and efficient functioning of the hospital is a matter of public importance. Needful shall be done within a period of six months from the date of receipt of a copy of this judgment.

The Original Petition is disposed of as above.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-

